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SIPDIS

STATE/CT FOR MOLANDER AND RPARENT

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TAGS: [PTER](#) [PREL](#) [EFIN](#) [SNAR](#) [TBIO](#) [IN](#) [AF](#) [PK](#) [CE](#) [BG](#) [NP](#) [US](#) [INDO](#) [PAK](#)

SUBJECT: MEA PROVIDES "NEXT STEPS" FOR US-INDIA CT JWG

REF: A. NEW DELHI 3745  
B. NEW DELHI 3717  
C. NEW DELHI 3647  
D. NEW DELHI 3494  
E. NEW DELHI 2189  
F. STATE 28559  
G. NEW DELHI 878  
H. NEW DELHI 876  
I. 04 NEW DELHI 8028  
J. 04 NEW DELHI 5630  
K. 04 NEW DELHI 5486

Classified By: Charge Robert O. Blake, Jr., for Reasons 1.4 (B, D)

11. (U) This is an Action Request -- see Para 4.

12. (U) Summary: MEA Director (Americas) Renu Pall recently gave Poloff the GOI's understanding of the next steps agreed to at the August 31-September 1, 2004, Sixth Meeting of the India-US Counter-Terrorism Joint Working Group (CTJWG), with a request that this document be forwarded to Washington for response. From our perspective in New Delhi, we have already made significant progress in many areas, limited progress in others, and no substantial progress in a few (see Paras 5-7). When the next Coordinator for Counterterrorism takes office, we recommend that the Coordinator make the scheduling of the next US-India CTJWG a priority. End Summary.

13. (SBU) The lightly edited MEA text reads as follows.  
Begin text:

Both India and the US agreed that terrorism was a challenge the international community needs to face collectively.

Both sides agreed to further strengthen their intelligence sharing arrangements, with an emphasis on operational intelligence.

The Indian side suggested that the US consider moving for the UN listing of Lashkar-e-Tayyiba, which was already on the US list. The USG agreed to consider it. It was felt that the process of encompassing all jihadi groups must continue.

India also agreed with the long-term US objective of de-jihadisation of the Pakistan-Afghanistan region. Both India and the US felt that while al-Qaida may have diminished as an organizational structure, its reach had expanded as an ideological motivator. The challenge of terrorism continued to mutate. Countering the attraction that the al-Qaida ideology had come to hold was an area where India and the US could work together.

The US assured that they continued to encourage Pakistan to address Indian concerns regarding cross border terrorism. Both India and the US agreed that the de-jihadisation of the Pak-Afghanistan region was a priority.

India and the US agreed to continue coordinating their respective policies with regard to the situation in Nepal.

On Sri Lanka, both delegations agreed on the need for continuing the ban on the LTTE. It was felt that it would be helpful if other countries, particularly Canada, also proscribed the LTTE in order to make the ban more effective.

India and the US agreed that their intelligence agencies would share information pertaining to Bangladesh becoming a major transit point for movement of terrorist individuals, arms and ammunition from Southeast Asia to South Asia and from Pakistan. The US wished to continue the exchange of assessments with India on the situation in Bangladesh. The US requested details of camps operating in Bangladesh and conveyed that there was a real commonality of interest with India on this subject. It was agreed that it would be in mutual interest to be more precise on intelligence exchange.

There was commonality of views on Afghanistan. India shared the US objective to see Afghanistan emerge as a peaceful, stable democracy, not vulnerable to outside manipulation by jihadi forces. It was estimated that the opium crop in Afghanistan had increased substantially over the prior one year. This quantum jump would contribute to the heroin traffic sourced from Afghanistan. The trend this year showed that the average of the last four years in narcotics

trafficking across the India-Pak border into India had been crossed in the first six months alone. There was agreement on the need for additional strategies to counter financing of terrorism through narco-trafficking.

Detailed discussions were held on training and capacity building cooperation. The US informed the Indian side that it would send an assessment team in October 2004 to further bilateral cooperation in the area of Anti-Terrorism Assistance courses and capacity building. The Indian delegation's request that the calendar of training events be shared in advance by the US to the extent feasible met with understanding on the US side.

The two delegations looked at the whole range of issues related to extradition and mutual legal assistance. The GOI hoped to complete the process on the Mutual Legal Assistance Treaty in the coming months. Both sides agreed that there would be symbolic and substantive advantages were the MLAT brought into force. There was agreement that specific cases of interest to either side should be expedited. The US was grateful for assistance given to FBI on the IC-814 case. India conveyed that ways needed to be found for India to obtain more information on the IC-814 hijacking from Taliban elements in US custody. India also flagged, in particular, the extradition case of Sameera Jumani, the wife of Abu Salem.

The US apprised India of its decision to make its data on lost and stolen passports available to Interpol. This was inspired by the practice amongst European countries and was seen as a step to prevent countries from becoming safe havens. It was suggested that India also consider doing so.

The US requested access to Dahal, alleged to be involved in the murder of two US security guards in the US Embassy in Kathmandu. The Indian side agreed to look into the matter.

The US agreed to provide a detailed write-up on the Pacific Command proposal for a Counter-Terrorism Seminar to be held in India in February 2005 so as to explore ways to enhance inter-operability between the US and India on counter-terrorism related inter-agency coordination processes. The steps to organizing such a CT seminar with India would involve: (i) details about GOI approach on the Seminar concept; (ii) definition of objectives by GOI and US; (iii) initial planning conference; (iv) preparation of list of participants i.e. officials in GOI with CT roles; (v) discussions on the timeframe and venue; (vi) mid-planning conference in December 2004 or two months prior to the CT seminar; (vii) final planning conference one month prior to CT Seminar i.e. January 2005.

The US presentation on the PISCES border control system was noted. India conveyed that it had already developed a software system, which was being installed in 17 airports in India. This was along the lines of PISCES and it was hoped that it would be in place by November 2004. The thinking on the Indian side, therefore, was to watch this indigenous system for some time and thereafter compare it with the American PISCES system and identify avenues for cooperation, which would have to meet the requirement of an inter-agency process on the Indian side. The US requested early indication, either way, in terms of a yes or no.

India provided a briefing on its efforts to bring in amendments to its Anti-Money Laundering Act and to its Financial Intelligence Unit. The US said that it looked forward to working with the Indian FIU.

Both countries also discussed implications of the hawala route, an issue at the G-20 meeting on October 18-19, 2004 and the FATF meeting October 20-22, 2004. There was agreement that hawala transfers were contributing to the financing of terrorism in South Asia. Tracking of hawala was entirely intelligence-led. Since legal transfers were easier to track, one approach would be to reduce the cost of money transfer transactions and thereby reduce the recourse to hawala. The US delegation agreed to take the points made by India back to their colleagues in the US Department of State and the Treasury Department.

US interest in cooperation in the field of bio-terrorism was noted. The Indian side suggested that further discussions be held to look for an acceptable approach to cooperation in this field. The US proposed to present a nonpaper in September 2004 for a table-top exercise as a starting point to look at procedural issues. It was agreed that the Science Congress of January 2005 would be a starting point for discussions. Sharing of best practices, technology exchange and capacity building were identified as broad areas for cooperation in this future-looking area.

On the UN Counter-Terrorism Executive Directorate (CTED), US expressed support for Indian suggestions and nominations to the CTED to represent India's interest and expertise. It was agreed that India's nominations would be conveyed to the US

as well.

End text.

**14.** (SBU) Action Request: Post requests that SA and S/CT provide comments and suggestions on the above document that can be shared with MEA.

Comment

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**15.** (C) This MEA paper is welcome as a checklist on progress to date and as a "to do" list, although coming so many months after the CTJWG, many of the items have moved forward in the interim. We have made much progress in building our CT relationship with New Delhi. The most common obstacle we face is the slow, cautious Indian bureaucracy. From our perspective, we report the most significant progress in the following areas:

-- Lashkar-e-Tayyiba (LeT): We told the MEA that Washington led the effort that resulted in the May 2 addition of LeT to the UNSCR 1267 sanctions list (Ref E). India's mainstream media presented the story in a very favorable light, and the MEA thanked us for our action and for keeping them in the loop as the motion wound its way through diplomatic obstacles. Our subsequent discussions on LeT with NSA Narayanan and the MEA Joint Secretary (Pakistan, Afghanistan, Iran) have been more vigorous (Refs A and B), and we predict this will lead to greater information sharing on LeT.

-- Nepal: The Indo-US united diplomatic front since King Gyanendra dismissed the Nepal parliament (Ref D and previous) demonstrates a level of cooperation and consultation more involved than simply "coordinating respective policies," and stems from a recognition of the common interests at stake. It is a template for Indo-US coordination in other policy areas.

-- Narco-trafficking: INL funded from the 2003 LOA with the Ministry of Finance the first in a series of workshops on asset seizure/forfeiture under India's primary economic crimes and counter-narcotics laws, in which DEA, FBI and DHS/ICE participated as experts. INL will host several more workshops throughout the country pursuant to this LOA mini-project. Using INL funding, DEA will host a workshop with USG experts on asset seizure/forfeiture for Indian law enforcement agencies in August 2005.

-- ATA Training: The DS assessment team that visited in October 2004 reported favorably on the robust program we have with India. The Indian participants who are sent for ATA training are well chosen and represent a good geographic mix. They are also adapting their training for local conditions and replicating it well in state and national police training programs, giving the program its intended multiplier effect. However, the GOI request to be able to lock in training months in advance conflicts with what we understand is the program's requirement to remain nimble and able to respond to shifting priorities.

-- Bio-Terrorism: Our HHS Attaché is planning joint Indo-US workshops for later in 2005 with the National Institutes of Communicable Diseases (Delhi) and the National Institute of Virology (Pune) on inter-related topics of bio-safety and biosecurity. The goal of these workshops is to share information on safe handling of bio-material, safety of personnel, and security of laboratories that house pathogens. The concept proposal for these workshops has been shared with the Indian agencies. We are also exploring other avenues to engage appropriate GOI and other Indian stakeholders on bio-security, and will report progress septel.

**16.** (S) On other agenda items, our progress has been more limited:

-- LTTE: Canadian PolCouns has told Poloff that his government is re-examining possible changes in Canada's position toward LTTE. We will continue to engage the Canadians on this, but have seen no evidence of a change in policy.

-- Bangladesh: Although we see greater willingness to share information (for instance, during A/S Rocca's April 18 visit to New Delhi), the MEA has not responded to Embassy's repeated requests for more detailed exchanges -- beyond that which is the public domain (Refs G and H) -- to verify and/or bolster their assertions regarding cross-border terrorism originating in Bangladesh. Exchanges in ORCA channels also continue. The disconnect between MEA's repeated verbal agreement to cooperate and provide additional information, and their delay in responding to our questions (Ref F), needs to be closed further.

-- MLAT: The Indian Cabinet on November 3 ratified the Mutual Legal Assistance Treaty, which had been on the CTJWG agenda

since 2002. The GOI adopted amendments to reciprocate the reservations which the US Senate inserted when it ratified the MLAT (Ref I). We are close to concluding MLAT, but we are still discussing the modalities of how to incorporate both countries' understandings into the final exchange of instruments. At this point the issues all involve procedure; no substantive disagreements remain.

-- IC-814: Please see Ref C for current status and action request on this long-pending issue.

-- PACOM CT Seminar: Planning for the PACOM CT seminar continues, with the ball now in India's court to nominate workable dates for the final planning conference and the event itself. The PACOM team, Mission staff and MEA counterparts made significant progress in accomplishing the organizational steps enumerated above during a successful initial planning conference in December 2004. The seminar objectives, approach, and general participants have been identified, with only the event dates and details left to be finalized.

-- FIU: Mission LE community is ready to offer training to India's FIU once it is staffed and functioning. This cannot happen, however, until the Prevention of Money Laundering Act has been notified in the Official Gazette, which FIU chief Sunil Bhargava told us should happen "by mid-June." Having an FIU up and running would be a condition for India's admission to the Financial Action Task Force.

**17. (C)** On some agenda items, we report no substantial progress since the August-September 2004 CTJWG:

-- Extraditions: The Department of Justice has requested that the GOI provide a supplemental affidavit to support its extradition request for Sameera Jumani, the wife of Abu Salem. To date, the GOI has provided no supplemental information.

-- Sharing Passport Information: CONS and ICE recently discussed lost/stolen passports with MHA Joint Secretary Mishra, who reported that the MHA was still considering making the information available to INTERPOL, and asked for advice on how they could get our information.

-- Dahal: Legatt reports no progress in FBI access to Dahal despite repeated requests through CBI.

-- PISCES: MHA told CONS and ICE that they would first evaluate how well the modernized Indian system performs before making any decision on PISCES. MHA has also asked us for a USG point of contact to discuss integrating elements of PISCES into their own system, but they probably will not be interested in acquiring the entire PISCES program.

-- Hawala: There has been no action to date on cooperation with the GOI on regarding hawala. New Delhi continues to "agree to disagree" with us on this issue, arguing that criminalizing hawala transactions is more effective than regulating (and tracking) them.

**18. (U)** Minimize considered.  
BLAKE